

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3152

CONFIDENTIAL



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2016 NOV 15 11:10:02

November 15, 2016

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser/Aimee Wechsler *KDR AW*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2016 September Monthly Report for  
the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2016 September Monthly Report in accordance with 52 U.S.C. § 30104(a). The September Monthly Report was due on September 20, 2016.

The committees listed on the attached RTB Circulation Report either failed to file the report or filed the report : no more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

Federal Election Commission  
Reason to Believe Circulation Report  
2016 SEPTEMBER MONTHLY Not Election Sensitive 09/20/2016 P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3150	C00247262	MAGELLAN HEALTH, INC. EMPLOYEE COMMITTEE FOR GOOD GOVERNMENT		ROBIN M. COPELAND	\$119,541	0	9/29/2016	9	\$8,991	\$118
3152	C00327189	VALUE IN ELECTING WOMEN POLITICAL ACTION COMMITTEE		MEREDITH LESHER	\$721,174	0		Not Filed	\$80,130 (est)	\$4,784

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2016 )  
September Monthly Report for the )  
Administrative Fine Program: )

MAGELLAN HEALTH, INC. ) AF# 3150  
EMPLOYEE COMMITTEE FOR GOOD )  
GOVERNMENT, and COPELAND, M. )  
ROBIN as treasurer; )

VALUE IN ELECTING WOMEN ) AF# 3152  
POLITICAL ACTION COMMITTEE, and )  
LESHER, MEREDITH as treasurer; )

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on November 17, 2016 the Commission took the following actions on the Reason To Believe Recommendation - 2016 September Monthly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated November 16, 2016, on the following committees:

AF#3150 Decided by a vote of 6-0 to: (1) find reason to believe that MAGELLAN HEALTH, INC. EMPLOYEE COMMITTEE FOR GOOD GOVERNMENT, and COPELAND, M. ROBIN in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3152 Decided by a vote of 6-0 to: (1) find reason to believe that VALUE IN ELECTING WOMEN POLITICAL ACTION COMMITTEE, and LESHER, MEREDITH in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 17, 2016  
Date

Shelley E. Carr  
Shelley E. Carr  
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 17, 2016

Meredith Leshner, in official capacity as Treasurer  
Value in Electing Women Political Action Committee  
701 8th Street NW, Suite 500  
Washington, DC 20001

C00327189  
AF#: 3152

Dear Ms. Leshner:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a September Monthly Report of Receipts and Disbursements covering the period August 1, 2016 through August 31, 2016. This report shall be filed no later than September 20, 2016. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On November 17, 2016, the FEC found that there is reason to believe ("RTB") that Value in Electing Women Political Action Committee and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before September 20, 2016. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$4,784. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$4,784 is due within forty (40) days of the finding, or by December 27, 2016, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$80,130  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

- 1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or December 27, 2016. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel, and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Value in Electing Women Political Action Committee and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

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action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

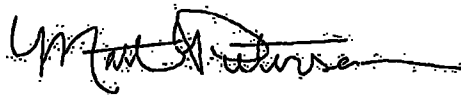
**5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Aimee Wechsler in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen  
Chair



**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$4,784 for the 2016 September Monthly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

FOR: Value in Electing Women Political Action Committee

FEC ID#: C00327189

AF#: 3152

PAYMENT DUE DATE: December 27, 2016

PAYMENT AMOUNT DUE: \$4,784



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2017 JAN 30 AM 10:04

January 30, 2017

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *DC/PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser/Ben Holly *B.H.*  
Reports Analysis Division *all for KR*  
Compliance Branch

SUBJECT: Administrative Fine Program – Rescinding the Reason to Believe Recommendation in Administrative Fine Matter (3152) Value in Electing Women Political Action Committee and Final Determination Recommendation for the 2016 September Monthly Report

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2016 September Monthly Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

The Reports Analyst Division (RAD) recommends that the Commission rescind the RTB finding for Value in Electing Women Political Action Committee (AF 3152). Due to database errors, the 2016 September Monthly Report did not appear on the Committee's index of reports at the time the RTB recommendation was prepared on November 15, 2016. As such, the committee was included in the RTB findings approved by the Commission on November 17, 2016. The Committee should not have been included on the list and the discrepancy was identified on November 18, 2016. As such, RAD recommends rescinding the RTB finding for AF #3152.

#### **RAD Recommendation**

- (1) Rescind the Reason to Believe recommendation of November 17, 2016 for AF 3152 regarding Value in Electing Women Political Action Committee and Meredith Leshner, in her official capacity as Treasurer.
- (2) Make a final determination that the political committee and its treasurer, in her official capacity, listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated.
- (3) Send the appropriate letters.

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Federal Election Commission  
FD Circulation Report Fine Paid  
2016 SEPTEMBER MONTHLY Not Election Sensitive 09/20/2016 P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
3150	MAGELLAN HEALTH, INC. EMPLOYEE COMMITTEE FOR GOOD GOVERNMENT		C00247262	ROBIN M. COPELAND	09/29/2016	9	\$8,991	0	11/17/2016	\$118	\$118	12/13/2016	\$118

CONFIDENTIAL

1/30/2017 8:51 AM

Federal Election Commission  
FD Circulation Report Fine Not Paid  
2016 SEPTEMBER MONTHLY Not Election Sensitive 09/20/2016 P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3152	VALUE IN ELECTING WOMEN POLITICAL ACTION COMMITTEE		C00327189	IMEREDITH LESH	09/20/2016	0	\$5,000	0	11/17/2016	\$4,784	74	\$0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3152  
Administrative Fine Program - )  
Rescinding the Reason to Believe )  
Recommendation in Value in Election )  
Women Political Action Committee, and )  
Meredith Leshner as Treasurer )

CERTIFICATION

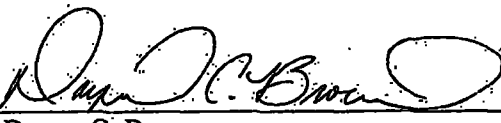
I, Dayna C. Brown, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 31, 2017, the Commission decided by a vote of 6-0 to take the following actions in AF 3152:

1. Rescind the Reason to Believe recommendation of November 17, 2016 for AF 3152 regarding Value in Electing Women Political Action Committee and Meredith Leshner, in her official capacity as Treasurer.
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 1, 2017  
Date

  
Dayna C. Brown  
Acting Secretary and Clerk of the  
Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 3, 2017

Meredith Leshner, in official capacity as Treasurer  
Value in Electing Women Political Action Committee  
701 8th Street NW, Suite 500  
Washington, DC 20001

C00327189  
AF#: 3152

Dear Ms. Leshner:

On November 17, 2016, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Value in Electing Women Political Action Committee and you, in your official capacity as treasurer, violated, 52 U.S.C. § 30104(a) for filing late or failing to file the 2016 September Monthly Report. By letter dated November 17, 2016, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$4,784 in accordance with the schedule of penalties at 11 CFR § 111.43.

Due to a database error, the FEC later discovered that Value in Electing Women Political Action Committee filed the 2016 September Monthly Report timely on September 20, 2016.

The FEC made a final determination on January 31, 2017 to rescind the previous reason to believe recommendation against Value in Electing Women Political Action Committee and you, in your official capacity as treasurer, assessed no civil money penalty, and voted to close the file.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding this matter, please contact Ben Holly on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in cursive script, reading "Steven T. Walther".

Steven T. Walther  
Chair

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